



Entered on Docket  
August 26, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell  
United States Bankruptcy Judge

Shawn Christopher, Esq.  
Nevada Bar No: 6252  
CHRISTOPHER LEGAL GROUP  
2625 N. Green Valley Parkway, Suite 110  
Henderson, Nevada 89014-0276  
Phone: (702) 737-3125  
Facsimile: (702) 458-5412

Attorney for Debtor(s),

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re

CARY JANEWAY,

Debtor(s).

Case No: BKS-09-12578-BAM  
Chapter 13

**ORDER GRANTING DEBTOR'S MOTION  
FOR DETERMINATION OF VALUE OF  
PROPERTY; MOTION TO AVOID LIEN**

Hearing Date: August 20, 2009  
Hearing Time: 3:30 p.m.

This matter having come before the Court for a hearing on August 20, 2009, on the Debtor's Motion for Determination of Value of Property; Motion to Avoid Lien, and based upon the papers and pleadings on file herein, and good cause appearing;

**THE COURT HEREBY ORDERS** as follows:

Debtor's Motion for Determination of Value of Property; Motion to Avoid Lien is hereby granted.

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1       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Debtor's real  
2 property located at 6629 Pheasant Moon Street, Las Vegas, NV 89148, shall be  
3 adjudicated to have a value of \$170,000.00 as of the date of filing Debtor's Chapter 13  
4 Petition;

5       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the junior lien held  
6 by Marshall & Ilsley Bank regarding the real property located at 6629 Pheasant Moon  
7 Street, Las Vegas, NV 89148 is hereby stripped of it's secured status and avoided in its  
8 entirety;

9       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Marshall & Ilsley  
10 Bank's lien be adjudicated as an unsecured lien and treated as an unsecured claim;

11       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Marshall & Ilsley  
12 Bank's lien have no further force and effect as a secured lien against Debtor's real  
13 property located at 6629 Pheasant Moon Street, Las Vegas, NV 89148;

14       **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the  
15 aforementioned avoidance of lien shall not become final and is contingent upon the  
16 Debtor(s) successfully completing the terms of the instant Chapter 13 Plan and receiving  
17 their discharge in the case herein;

18       **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that nothing contained  
19 herein shall terminate the rights of the creditor if this case is dismissed or converted; and

20       **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that in the event the  
21 first mortgage lien holder conducts a foreclosure sale of the real property located at 6629  
22 Pheasant Moon Street, Las Vegas, NV 89148 prior to discharge of Debtor's instant  
23 Chapter 13 case, Marshall & Ilsley Bank shall retain their lien holder position on said  
24 property.

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1 **IT IS SO ORDERED.**

2 Respectfully submitted August 25, 2009

3 CHRISTOPHER LEGAL GROUP

4  
5 By: /s/ Shawn Christopher

6 Shawn Christopher  
7 Attorneys for Debtor

8  
9 APPROVED/DISAPPROVED

10 DATED: \_\_\_\_\_

*No Response*

11 Rick A. Yarnall, Chapter 13 Trustee

12  
13 APPROVED/DISAPPROVED

14 DATED: 8/25/09

15 Michael W. Chen, Esq,

16 Counsel for Marshall & Ilsley Bank

17 **ALTERNATIVE METHOD RE: RULE 9021**

18 In accordance with Local Rule 9021, the undersigned certified:

19 \_\_\_\_\_ The court waived the requirements of approval under Local Rule 9021.

20 \_\_\_\_\_ No parties appeared or filed written objections.

21   X   I have delivered a copy of this proposed order to all counsel who appeared  
22 at the hearing, any unrepresented parties who appeared at the hearing, and any trustee  
23 appointed in this case, and each has approved or disapproved the order, or failed to  
24 respond, as indicated below [list each party and whether the party has approved,  
25 disapproved or failed to respond to the document]:

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27 ///

28 ///

29 ///

	APPROVED	DISAPPROVED	NO RESPONSE
1			
2 <b>CHAPTER 13 TRUSTEE</b>			
3 Rick A. Yarnall, Trustee			
4 701 Bridger Ave., #820			
5 Las Vegas, Nevada 89101			
6 (facsimile 853-4513)			
7			
8 <b>MARSHALL &amp; HISLEY BANK</b>			
9 Michael W. Chen, Esq			
10 820 S Valley View Blvd			
11 Las Vegas, Nevada 89107			
12 (facsimile 877-7424)			

14 I declare under penalty of perjury under the laws of the State of Nevada that the  
15 foregoing is true and correct

16 Dated this 20 day of August, 2009.

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18 \_\_\_\_\_  
19 An employee of Christopher Legal Group

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